

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DR. DOUGLAS SCHOTTENSTEIN, M.D.,  
THOMPSON REAL ESTATE, LLC, and  
SCHOTTENSTEIN PAIN AND NEURO, PLLC D/B/A  
NY SPINE MEDICINE,

Index No.: 22-cv-01197  
(DLC)

Plaintiffs,

**DEFENSE PROPOSED**  
**VOIR DIRE**

-against-

DEREK LEE, PEARL CHAN and JOHN AND JANE  
DOES 1-10,

Defendants.

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Defendants Derek Lee and Pearl Chan propose that the Court provide the following  
description of the case and questions for *voir dire*.

### **CASE DESCRIPTION**

The Plaintiffs, Dr. Douglas Schottenstein, M.D., Thompson Real Estate, LLC, and Schottenstein Pain and Neuro, PLLC, D/B/A NY Spine Medicine, allege that Defendants Pearl Chan and Derek Lee, from about 2016 through 2020, working in concert as employees of Dr. Schottenstein, profited from unauthorized financial transactions at the expense Schottenstein and his businesses. Schottenstein also alleges that Defendants poisoned him and his dog. Defendants deny these allegations and contend that Schottenstein authorized all the subject transactions as part of the legal and illegal business they carried out at his direction. They also contend that Schottenstein's allegations are being brought in retaliation for Pearl Chan's perceived disloyalty at leaving Schottenstein's employ and starting a family with Derek Lee instead of choosing Schottenstein as her partner. Defendants are countersuing Schottenstein for various claims under

New York City Human Rights Law, including sexual harassment, hostile work environment, and national origin discrimination, as well as an unpaid wages claim.

**PROPOSED VOIR DIRE**

1. Please give your full name.
2. Where do you live? Please provide the borough/county and neighborhood.
3. Are you employed?
  - a. If yes, please describe your position?
  - b. If you are unemployed, what was your last employment?
  - c. If retired, what was your last employment?
4. Have you or anyone in your family or close friend ever been employed by a local, state or federal law enforcement agency?
  - a. If so, please describe who and in what capacity.
  - b. If so, would that prevent you from sitting impartially on this panel?
5. Do you believe the fact that the Plaintiff started this lawsuit and is here today for trial means that there must be at least some merit to the Plaintiff's allegations?
6. Do you live with anyone else?
  - a. If yes, what is that person's or those individuals' occupation(s)?
7. Are you married? What kind of work does your spouse do?
8. Do you have children?
  - a. How many?
  - b. What ages?
  - c. If your children are adults, what are their occupations?

9. Have you or anyone in your family ever been party to a lawsuit?
  - a. If yes, is there anything about that experience that might make it difficult to be fair and impartial in this case?
10. Have you ever been a witness for a party bringing a lawsuit?
  - a. If yes, please describe the case and the nature of your testimony.
11. Have you ever been a juror before?
  - a. In a civil or criminal case?
  - b. Did the case go to verdict?
  - c. Were you able to participate and deliberate freely, without undue influence from the other jurors?
  - d. Was your experience as a juror a positive or a negative experience?
  - e. Would anything about your prior jury service affect your service on this case?
12. Is any member of your family, or are any of your close friends, a lawyer?
  - a. If yes, please describe your relationship to each such person and the type of law that person practices.
13. Please describe your educational background, including any colleges and graduate schools.
14. Do you regularly read any newspapers or magazines? What are they?
15. Do you regularly watch television? What T.V. shows do you watch?
16. What activities or hobbies do you engage in?
17. Do you belong to any organizations or clubs?

18. Have you, or any member of your family or close friends, ever worked for a medical provider? If so, what positions were held and when?

19. If a medical doctor and an ordinary citizen gave conflicting testimony about the same incident, would you be inclined to believe the medical doctor over the citizen and why? Do any of you feel a medical doctor is more worthy of belief than another member of the public? Do any of you feel that a medical doctor is somehow more credible than another member of the public?

20. If you hear that someone has been sued, do you tend to think that the person has done something wrong? In your experience, have people who get sued generally done something wrong?

21. Have you, or has any member of your family or close friend been accused of stealing from an employer?

22. Have you or a member of your family or household or any close friend ever had an employee steal from you?

23. Have you or a member of your family or household or any close friend ever been paid off the books?

24. Have you or any member of your household or any close friend ever experienced pressure to interact sexually with an employer?

a. What happened? How did the situation resolve?

25. If an employee does not explicitly tell an employer to stop engaging in sexual harassment or other discrimination in the workplace, does the employee effectively forfeit his or her right to complain about it later?

26. Have you or a member of your family or household or any close friend ever been discriminated against due to race, gender, or national origin?

27. There are allegations in this suit that one or more of parties have engaged in the purchase, manufacture, or use of drugs including marijuana and hallucinogenic mushrooms. Would anything about that make it difficult for you to be fair and impartial in this case?

28. Have you or has any member of your family or any close friend ever been the victim of a crime? **[To be explained outside of the presence of the other prospective jurors]**

a. If so, please describe the circumstances. boob

29. Have you or any member of your household or any close friend ever been asked to engage in illegal or unethical conduct on behalf of an employer?

a. What happened? How did the situation resolve?

b. Would anything about that make it difficult for you to be fair and impartial in a case which involves allegations about such conduct?

30. Have you or any member of your household or any close friend ever been subject to emotional or physical abuse by an employer or other person in a position of authority?

a. What happened? How did the situation resolve?

b. Would anything about that make it difficult for you to be fair and impartial in a case which involves allegations about such conduct?

31. Do you know any of the following people?

a. Dr. Douglas Schottenstein

b. Pearl Chan

c. Derek Lee

d. Keith S. Balla

32. Do you know, or are you acquainted with in any way, any of the following attorneys working on this case?

- Jeffery Donnor, Richard Rosenthal, Cory Morris, Edward Altabet
- Andrew L. Hoffman, Jeffery Chabrowe

33. Do you have any reason to believe that anything in your life experience would tend to make you partial to one side or the other in this case? How so?

34. As you sit here now, do you have any feelings about the way this case should be decided?

35. Will you be able to deliberate based solely on the evidence presented at trial and not based on any other information?

36. Would you be able to evaluate each witness's credibility objectively, without bias or prejudice?

37. Is there anything which has not been asked that you want to tell the Court about and which may be a factor in your ability to be fair and impartial in this case? You may speak to me and counsel privately if you wish.

Dated: New York, New York  
March 8, 2024

Respectfully Submitted By:

The Law Office of Andrew L. Hoffman, P.C.

By:

/s/  
Andrew L. Hoffman, Esq.

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